



Committee on Criminal Justice Appropriations

Thursday, February 09, 2006

3:15 p.m. OR

15 MINUTES UPON ADJOURNMENT OF FISCAL
COUNCIL

214 Capitol

Revised

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Allan G. Bense

Criminal Justice Appropriations Committee

Start Date and Time: Thursday, February 09, 2006 03:15 pm OR 15 minutes upon adjournment of Fiscal Council Meeting

End Date and Time: Thursday, February 09, 2006 05:00 pm

Location: 214 Capitol

Duration: 1.75 hrs

Consideration of the following bill(s):

HB 21 CS Social Status of African-American Men and Boys by Peterman
HB 55 Restoration of Civil Rights by Smith
HB 85 Assault or Battery on Security Officers by Taylor
HB 155 Vehicle Crashes by Ross

Budget workshop



Florida House of Representatives

Fiscal Council

Committee on Criminal Justice Appropriations

Allan Bense
Speaker

Gustavo Barreiro
Chair

AGENDA

COMMITTEE ON CRIMINAL JUSTICE APPROPRIATIONS

THURSDAY, FEBRUARY 9, 2006

**3:15pm- 5:00pm. OR 15 MINUTES UPON ADJOURNMENT OF FISCAL COUNCIL
214 Capitol**

-
- I. Roll Call and opening comments by Chair Barreiro**
 - II. Consideration of the following bills:**
 - **HB 21 CS by Peterman - Social Status of African-American Men and Boys**
 - **HB 55 by – Smith- Restoration of Civil Rights**
 - **HB 85 by Taylor- Assault or Battery on Security Officers**
 - **HB 155 by Ross- Vehicle Crashes**
 - III. Presentation by On-Point, LLC**
 - IV. Presentation by the Youth Advocate Program**
 - V. Adjourn**

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 21 CS Social Status of African-American Men and Boys
SPONSOR(S): Peterman and others
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Future of Florida's Families Committee</u>	<u>7 Y, 0 N, w/CS</u>	<u>Davis</u>	<u>Collins</u>
2) <u>Criminal Justice Appropriations Committee</u>	<u></u>	<u>Sneed</u>	<u>DeBeaugrine</u>
3) <u>Health & Families Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

This bill creates a 19-member Council on the Social Status of African American Men and Boys to make a systematic study of the conditions affecting African American men and boys, including, but not limited to, the homicide rates, arrest and incarceration rates, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

The members of the council shall consist of legislators, various government officials, and persons appointed by the Speaker of the House of Representatives, President of the Senate, and the Governor, and shall be administratively staffed by the Office of the Attorney General.

The council shall issue its first annual report by December 15, 2007, and by December 15 of each following year, stating the findings, conclusions, and recommendations of the council.

The Attorney General's Office states the need for three FTEs and \$182,751 in recurring general revenue funds to provide for the administrative staffing and expenses of the commission. This bill provides no staff positions or funding.

This act shall take effect July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Limited Government: This bill creates an additional advisory board.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

Some observers claim that the social status of African American men and boys has declined over the last decade, and is a cause for great concern throughout society. According to the bill sponsor, the effects of social policy as they relate to African American males, have a direct impact on the lives of all Florida citizens. Therefore, he feels that the social status of African American males must be improved. The social issues that the sponsor feels require the most urgent attention include:

- **Physical and Mental Health:** According to the Harvard Medical School's Consumer Health Information Center, black men live an average of 7.1 years less than other racial groups. Almost 12% of African American males suffer from depression and less than 16% of black men seek needed mental health treatment.
- **Unemployment:** According to the Alternative School Network, over the past five years, one in every four black men in the United States was permanently unemployed, a rate double that of white men.
- **Incarceration:** According to the Department of Justice, in 2003, over 9% of all black males aged 26 to 29 were incarcerated. According to the Justice Policy Institute, black men in their early 30's are twice more likely to have prison records than Bachelor degrees. Finally, according to the Florida Department of Corrections, in 2004, 51.9% of Florida's prison population consisted of African American males.
- **Education:** According to the American Council on Education, over the past decade, the high school graduation rate for black men has fallen 43%. The Department of Education reported in January 2005 that while the majority of dropouts in 2003-04 were white students, dropout rates were highest among Black and Hispanic students. Of the 25,587 dropouts reported for grades 9-12 in the 2003-04 school year, 7,801 (30.5 percent) were Black. The dropout rate for Blacks fell from 5.5 percent in 1999-00 to 3.6 percent in 2003-04. Dropout rates also vary by gender group, with males having a higher percentage of dropouts than females.

The Centers for Disease Control and Prevention cite homicide as the leading cause of death for black males between the ages of 15 and 34, with 4,412 such victims in 2000 alone. From 1976 to 2000, 195,757 African American males have been victims of homicide according to the Federal Bureau of Investigation. That figure does not include the 56,776 murdered African American females, which brings the total black homicide count over the past 27 years to 252,533. According to the Bureau of Justice Statistics, 94% of black homicide victims were killed by other blacks. The white homicide toll between the same time frame totals 275,529, which means the Black rate is more than six times higher, about 20.5 to 3.3 per 100,000.

Highlights of the Equality Index Findings in Five Areas include:

On March 24, 2003, as part of "The State of Black America 2004: The Complexity of Black Progress," the National Urban League released an "Equality Index," a statistical measurement of the disparities that exist between blacks and whites in economics, health, education, social justice, and civic engagement.

- Economics - Black economic status measures 56% of white counterparts
- Health - Blacks' health status measures 78% of whites
- Education - Total educational performance is 76% as compared to whites
- Social Justice - When it comes to equality under the law, blacks' status is 73%
- Civic Engagement - Blacks out measure whites in the area of civic engagement (voter registration, volunteerism, government service).
 - **Democratic Process:** The registered voter index shows a slightly higher percentage of whites registered to vote than blacks.
 - **Volunteerism:** Volunteerism includes both community volunteerism and military volunteerism. Military volunteerism indicates that a substantially higher percentage of blacks volunteer in the military. The unionism index shows a higher percentage of blacks in unions than whites. Union representation index shows that blacks are more concentrated in union jobs than whites.
 - **Government Employment:** Federal Government Employment index shows a greater percentage of blacks employed by federal government than whites, almost twice the rate. The index shows significantly more blacks concentrated in state and local government jobs than whites.

According to the Centers for Disease Control and Prevention, poverty rarely kills directly. Few people drop dead in the streets from hunger or exposure to the elements. Poverty does produce a range of physical and psychological stresses, and some reactions to these stresses are expressed in behaviors that destroy life. Members of the victim group may contribute to their own victimization through adaptations to bleak life conditions that include violence directed at self or others (e.g., suicide and homicide) as well as self-destructive lifestyles (notably addiction to drugs and alcohol).

The Florida Consortium of Urban Leagues conducts a Statewide Black-on-Black Crime Prevention Program to combat crime in the African-American community. This program is funded by the Florida Legislature through the Florida Department of Legal Affairs. The Pinellas County Urban League is the lead affiliate for this campaign, which also includes the Urban League affiliates in Ft. Lauderdale, Jacksonville, Miami, Orlando, Tallahassee, Tampa, and West Palm Beach.

This program is designed as a public awareness and education effort to motivate the Black community to support, promote, and participate in crime prevention programs and activities. This campaign also focuses on methods and measures of increasing public awareness and educating the Black community on the extent of crime in the Black community. Although awareness and education are necessary first steps, the elimination of crime in Black communities is the program's ultimate goal.

While each affiliate is granted flexibility in choosing the techniques and activities deemed most appropriate in addressing the particular needs of their respective communities, the Consortium as a whole works to achieve common objectives as outlined in the program's contract.

According to the bill sponsor, social issues facing African American males are not limited to Florida. Other state legislatures have realized the social problems facing African American males and have created commissions to remedy the problems within their own states. These commissions include:

- Ohio Commission on African American Males
- Indiana Commission on the Social Status of Black Males
- Washington, D.C. Commission on African American Males
- Maryland Task Force on the Education of African American Males

Effects:

The council will consist of 19 members that will be appointed. Two members each from the House and Senate, not from the same political party, will serve on this council. The members from the House will

be appointed by the Speaker of the House and the members from the Senate will be appointed by the Senate President. The other members appointed to this council will include the following individuals or their designees: the Secretary of the Department of Children and Families; the director of the Mental Health Program Office within the Department of Children and Families; the Secretary of Health; the Secretary of Education; the Secretary of Corrections; the Attorney General; the Secretary of Management Services; the director of the Agency for Workforce Innovation; a business person of African-American origin appointed by the Governor; two members appointed by the President of the Senate and two members appointed by the Speaker of the House who are not members of the Legislature or employed by state government; the deputy secretary for Medicaid; and the Secretary of Juvenile Justice.

The council shall make a systematic study of the conditions affecting African American men and boys, including, but not limited to, homicide rates, arrest and incarceration rates, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

Once this study has been conducted, the council shall propose measures to alleviate and correct the underlying causes of the conditions described above. These measures may consist of changes to the law or systematic changes that can be implemented without legislative action. The council may study other topics suggested by the Legislature or as directed by the chair of the council. The council shall receive suggestions or comments pertinent to the applicable issues from members of the Legislature, governmental agencies, public and private organizations, and private citizens. The council shall meet quarterly and by the call of the chair or as determined by a majority of council members.

The Office of the Attorney General shall provide staff and administrative support to the council. The Office of the Attorney General submitted a fiscal impact of \$182,751 for three FTE positions to provide administrative support to the council and to cover any necessary travel and per diem costs for council members conducting council business.

The council shall issue its first annual report by December 15, 2007, and by December 15 of each following year. The report will outline the findings, conclusions, and recommendations of the council. These findings shall be submitted to the Governor, the President of the Senate, the Speaker of the House, and the chairpersons of the standing committees of jurisdiction in each chamber.

This council shall expire July 1, 2012, unless reenacted by the Legislature. This act shall take effect July 1, 2006.

C. SECTION DIRECTORY:

Section 1. Creates the Council on the Social Status of African American Men and Boys.

Section 2. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

FY 2005-06

Office of the Attorney General

Recurring Budget:

3 FTE Positions	
Salaries and Benefits	\$123,194
Expenses	52,478
OCO	5,900
HR:	<u>1,179</u>
Total:	\$182,751

Non-Recurring Budget:

Expenses	\$9,427
OCO	<u>5,900</u>
Total:	\$15,377

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditures of funds. The bill does not reduce the percentage of a state tax shared with counties or municipalities. The bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

B. RULE-MAKING AUTHORITY:

The bill does not provide rulemaking authority to the Attorney General's Office

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On October 19, 2005, the Future of Florida's Families Committee adopted a strike everything amendment and reported the bill favorably with a committee substitute. The committee substitute contains two technical changes to clarify the intent and a third change to address reimbursement for per diem and travel expenses for all council members.

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CHAMBER ACTION

The Future of Florida's Families Committee recommends the following:

Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to the social status of African-American men and boys; creating the Council on the Social Status of African-American Men and Boys; providing for the appointment and qualification of members; providing for the appointment of members to fill vacant positions; requiring the council to make a systematic study of conditions affecting African-American men and boys; requiring the Office of the Attorney General to provide administrative support; requiring the council to submit an annual report to the Governor and Legislature; providing for reimbursement for per diem and travel expenses; requiring the Attorney General to organize the initial meeting of the council; providing for the expiration of the council; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

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24 Section 1. Council on the Social Status of African-
25 American Men and Boys.--

26 (1) The Council on the Social Status of African-American
27 Men and Boys is established within the Department of Legal
28 Affairs and shall consist of 19 members appointed as follows:

29 (a) Two members of the Senate who are not members of the
30 same political party, appointed by the President of the Senate
31 with the advice of the Minority Leader of the Senate.

32 (b) Two members of the House of Representatives who are
33 not members of the same political party, appointed by the
34 Speaker of the House of Representatives with the advice of the
35 Minority Leader of the House of Representatives.

36 (c) The Secretary of Children and Family Services or his
37 or her designee.

38 (d) The director of the Mental Health Program Office
39 within the Department of Children and Family Services or his or
40 her designee.

41 (e) The Secretary of Health or his or her designee.

42 (f) The Commissioner of Education or his or her designee.

43 (g) The Secretary of Corrections or his or her designee.

44 (h) The Attorney General or his or her designee.

45 (i) The Secretary of Management Services or his or her
46 designee.

47 (j) The director of the Agency for Workforce Innovation or
48 his or her designee.

49 (k) A businessperson of African-American origin appointed
50 by the Governor.

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(l) Two persons appointed by the President of the Senate who are not members of the Legislature or employed by state government. One of the appointees must be a clinical physiologist.

(m) Two persons appointed by the Speaker of the House of Representatives who are not members of the Legislature or employed by state government. One of the appointees must be an Africana studies professional.

(n) The deputy secretary for Medicaid in the Agency for Health Care Administration or his or her designee.

(o) The Secretary of Juvenile Justice or his or her designee.

(2) A member of the council may be removed at any time by the member's appointing authority who shall fill the vacancy on the council.

(3) (a) At the first meeting of the council each year, the members shall elect a chair and a vice chair.

(b) A vacancy in the office of chair or vice chair shall be filled by vote of the remaining members.

(4) (a) The council shall make a systematic study of the conditions affecting African-American men and boys, including, but not limited to, homicide rates, arrest and incarceration rates, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

(b) The council shall propose measures to alleviate and correct the underlying causes of the conditions described in paragraph (a). These measures may consist of changes to the law

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79 or systematic changes that can be implemented without
80 legislative action.

81 (c) The council may study other topics suggested by the
82 Legislature or as directed by the chair of the council.

83 (d) The council shall receive suggestions or comments
84 pertinent to the applicable issues from members of the
85 Legislature, governmental agencies, public and private
86 organizations, and private citizens.

87 (5) The Office of the Attorney General shall provide staff
88 and administrative support to the council.

89 (6) The council shall meet quarterly and at other times at
90 the call of the chair or as determined by a majority of council
91 members and approved by the Attorney General.

92 (7) Ten of the members of the council shall constitute a
93 quorum, and an affirmative vote of a majority of the members
94 present is required for final action.

95 (8) The council shall issue its first annual report by
96 December 15, 2007, and by December 15 each following year,
97 stating the findings, conclusions, and recommendations of the
98 council. The council shall submit the report to the Governor,
99 the President of the Senate, the Speaker of the House of
100 Representatives, and the chairpersons of the standing committees
101 of jurisdiction in each chamber.

102 (9) Members of the council shall serve without
103 compensation. Members are entitled to reimbursement for per diem
104 and travel expenses as provided in s. 112.061, Florida Statutes.
105 State officers and employees shall be reimbursed from the budget

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106 of the agency through which they serve. Other members may be
 107 reimbursed by the Department of Legal Affairs.
 108 (10) Notwithstanding subsection (6), the Attorney General
 109 shall:
 110 (a) Within 60 days after the effective date of this act,
 111 fix a date for the initial meeting of the council.
 112 (b) Notify each member of the council of the time, date,
 113 and place where the initial meeting will be held.
 114 (c) Make any other arrangements concerning the initial
 115 meeting of the council.
 116 (d) Serve as the presiding officer at the initial meeting
 117 of the council until a chair is elected.
 118 (11) This section expires July 1, 2012, unless reenacted
 119 by the Legislature.
 120 Section 2. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 55 Restoration of Civil Rights
SPONSOR(S): Smith and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 432

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Criminal Justice Committee</u>	<u>7 Y, 0 N</u>	<u>Kramer</u>	<u>Kramer</u>
2) <u>Criminal Justice Appropriations Committee</u>	<u></u>	<u>Sneed</u>	<u>DeBeaugrine</u>
3) <u>Justice Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

There is no statutory requirement for county jails to provide county jail prisoners with information regarding civil rights restoration. Any information that is currently provided is initiated locally. This bill would require the administrator of a county detention facility to provide an application form obtained from the Parole Commission relating to restoration of civil rights to a prisoner who has been convicted of a felony at least two weeks before discharge, if possible. It would then be the prisoner's responsibility to fill out the form.

The bill provides that the administrator of the county detention facility may allow volunteers to help the prisoners complete their application.

There will be some fiscal impact to counties to implement the provisions of this bill. The specific cost in each county is indeterminate, but expected to be insignificant.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government: The bill requires county jail administrators to provide forms relating to restoration of civil rights to inmates prior to release.

B. EFFECT OF PROPOSED CHANGES:

The civil rights of a convicted felon such are the right to vote, the right to serve on a jury and the right to hold public office are suspended until restored by pardon or restoration of civil rights.¹ Restoration of civil rights is a form of executive clemency – a power granted by the Florida Constitution to the Governor with the consent of at least two members of the Cabinet. Art. IV, s. 8(a), Fla. Const. In this situation, the Governor and Cabinet are known as the Clemency Board. Convicted felons are eligible for restoration of civil rights (except the right to own, possess, or use firearms) without a hearing upon completion of sentence or supervision if they meet certain criteria set forth in the Rules of the Clemency Board. If not eligible for restoration of civil rights without a hearing, the felon may apply for a hearing to determine whether his or her civil rights will be restored. In certain cases, convicted felons must request a waiver of clemency rules to be eligible for consideration.

The Florida Parole Commission acts as the agent of the Clemency Board in determining whether offenders and inmates are eligible for restoration of rights without a hearing, investigating applications and conducting hearings when required, and making recommendations to the Board. The Department of Corrections' participation in the process is required by the following two statutes:

- s. 940.061, F.S., requires the department to inform and educate inmates and offenders on community supervision about the restoration of civil rights and to assist eligible inmates and offenders on community supervision with completion of the application for restoration of civil rights.
- s. 944.293, F.S., requires the department to assist offenders under supervision in completing the application and necessary forms and to ensure that the application and other necessary information is forwarded to the Governor before the offender is released from supervision.

A person seeking restoration of civil rights can initiate the process by applying online, by telephone, in person, or in writing.

In recent years, the department and the Parole Commission have reportedly coordinated efforts in order to make restoration of civil rights less difficult for incarcerated felons who will be eligible for restoration without a hearing upon release. The department provides the commission with a computerized list of all eligible inmates who are being released from prison or supervision. If the commission determines that the individual is eligible for restoration of civil rights without a hearing, the individual's name is submitted to the Clemency Board and if no objection is received from two or more board members, the individual's rights are restored. If the commission determines that the individual is ineligible for restoration of civil rights without a hearing or two or more board members object, the commission send the individual an application for restoration of civil rights with a hearing.

There is no statutory requirement for county jails to provide county jail prisoners with education or assistance regarding civil rights restoration. Any education or assistance that is currently provided is initiated locally.

¹ Art. VI, section 4 of the Florida Constitution. See also, s. 40.013, F.S.

This bill would require the administrator of a county detention facility to provide an application form obtained from the Parole Commission relating to restoration of civil rights to a prisoner who has been convicted of a felony at least two weeks before discharge, if possible. It would then be the prisoner's responsibility to fill out the form.

The bill provides that the administrator of the county detention facility may allow volunteers to help the prisoners complete their applications.

The proposed legislation does not apply to prisoners who are released to the custody of the Department of Corrections. Those prisoners are exempted from this legislation because their restoration of civil rights process would be covered by the Department of Corrections as discussed above. Also, by implication this bill would only apply to those inmates who have in fact lost their civil rights by reason of commission of a felony.

C. SECTION DIRECTORY:

Section 1. Requires administrator of county detention facility to provide application form for restoration of civil rights to a prisoner in certain circumstances.

Section 2. Provides effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

There will be some costs to the counties in implementing the provisions of the bill. The specific amount is not determinable but expected to be insignificant. The impact will be dependent upon the number of eligible prisoners in a particular county. According to data supplied by the Department of Corrections, it is estimated that approximately 43,000 felons were sentenced to county detention facilities between July 1, 2003, and June 30, 2004.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill requires the administrator of a county detention facility to provide certain prisoners with an application form for civil rights restoration. It is anticipated that any fiscal impact on local counties will be insignificant and it therefore appears that the provision of the bill is exempt from Article VII, Section 18 of the Florida Constitution which prohibits unfunded mandates.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

This bill would require the administrator of a county jail to provide a restoration of civil rights application to all inmates who have been convicted of a felony prior to their release. The bill excludes inmates subsequently sent to the Department of Corrections. However, the bill would apparently require that the application form be provided to prisoners who are being released from jail but have a term of probation to follow despite the fact that these inmates would be ineligible to have their civil rights restored before the probationary term is completed.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

A bill to be entitled

An act relating to the restoration of civil rights;
 requiring that the administrator of a county detention
 facility provide an application form for the restoration
 of civil rights to a prisoner who has been convicted of a
 felony and is serving a sentence in that facility;
 authorizing the use of volunteers to assist the prisoner
 in completing the application; providing that this act
 shall not apply to prisoners who are transferred to the
 Department of Corrections; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Procedure for requesting restoration of civil
 rights of county prisoners convicted of felonies.--

(1) With respect to a person who has been convicted of a
 felony and is serving a sentence in a county detention facility,
 the administrator of the county detention facility:

(a) Shall provide to the prisoner, at least 2 weeks before
 discharge, if possible, an application form obtained from the
 Parole Commission which the prisoner must complete in order to
 begin the process of having his or her civil rights restored.

(b) May allow volunteers to be used to assist the prisoner
 in completing the application.

(2) This section shall not apply to prisoners who are
 discharged from a county detention facility to the custody or
 control of the Department of Corrections.

Section 2. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 85

Assault or Battery on Security Officers

SPONSOR(S): Taylor

TIED BILLS:

IDEN./SIM. BILLS: SB 212

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Criminal Justice Committee	8 Y, 0 N	Kramer	Kramer
2) Criminal Justice Appropriations Committee		Sneed	DeBeaugrine
3) Justice Council			
4) _____			
5) _____			

SUMMARY ANALYSIS

Currently, section 784.087, F.S., reclassifies the felony or misdemeanor degree of assault and battery offenses committed against a law enforcement officer, firefighter or other specified person. The bill adds licensed security officers to the list of specified people. This will have the effect of increasing the maximum sentence that can be imposed for an assault or battery offense committed against a security officer in the same manner as if the offense were committed against a law enforcement officer or firefighter.

The Criminal Justice Impact Conference that met on January 9, 2006 determined that this bill would have an insignificant fiscal impact on the state's prison bed population.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Promote personal responsibility: HB 85 will have the effect of increasing the maximum sentence which may be imposed for an assault or battery offense committed against a licensed security officer.

B. EFFECT OF PROPOSED CHANGES:

Security officers are licensed and regulated by the Department of Agriculture and Consumer Services under chapter 493. The term "security officer" is statutorily defined as follows:

Any individual who, for consideration, advertises as providing or performs bodyguard services or otherwise guards persons or property; attempts to prevent theft or unlawful taking of goods, wares, and merchandise; or attempts to prevent the misappropriation or concealment of goods, wares or merchandise, money, bonds, stocks, chooses in action, notes, or other documents, papers, and articles of value or procurement of the return thereof. The term also includes armored car personnel and those personnel engaged in the transportation of prisoners.¹

A security officer must have what is known as a Class D license issued by the department.² An applicant for a Class D security officer license must have 40 hours of training at a licensed school or training facility.³ According to the department, as of October 1, 2005, there were 102,083 people statewide with a Class D license.

Currently, section 784.07, F.S., provides that when a person is charged with knowingly committing assault⁴, aggravated assault⁵, battery⁶ or aggravated battery⁷ against a law enforcement officer,⁸ firefighter,⁹ emergency medical care provider,¹⁰ traffic accident investigation officer, traffic infraction

¹ s. 493.6101(19), F.S.

² s. 493.6301(5), F.S.

³ s. 493.6303(4), F.S.

⁴ An assault is an intentional, unlawful threat by word or act to do violence to the person of another, coupled with an apparent ability to do so, and doing some act which creates a well-founded fear in such other person that such violence is imminent. § 784.011, F.S.

⁵ An aggravated assault is an assault with a deadly weapon without intent to kill or with an intent to commit a felony. s. 784.021, F.S.

⁶ A battery occurs when a person actually and intentionally touches or strikes another person against the will of the other or intentionally causes bodily harm to another person. s. 784.03, F.S.

⁷ An aggravated battery occurs when a person in committing battery intentionally or knowingly causes great bodily harm, permanent disability, or permanent disfigurement; or uses a deadly weapon. Aggravated battery also occurs if the victim of the battery was pregnant at the time of the offense and the offender knew or should have known that the victim was pregnant. s. 784.045, F.S.

⁸ "Law enforcement officer" includes a law enforcement officer, a correctional officer, a correctional probation officer, a part-time law enforcement officer, a part-time correctional officer, an auxiliary law enforcement officer, and an auxiliary correctional officer, as those terms are respectively defined in s. 943.10 and any county probation officer; employee or agent of the Department of Corrections who supervises or provides services to inmates; officer of the Parole Commission; and law enforcement personnel of the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, or the Department of Law Enforcement. s. 784.07(1)(a), F.S.

⁹ "Firefighter" means any person employed by any public employer of this state whose duty it is to extinguish fires; to protect life or property; or to enforce municipal, county, and state fire prevention codes, as well as any law pertaining to the prevention and control of fires. s. 784.07(1)(b), F.S.

¹⁰ "Emergency medical care provider" means an ambulance driver, emergency medical technician, paramedic, registered nurse, physician as defined in s. 401.23, medical director as defined in s. 401.23, or any person authorized by an emergency medical service licensed under chapter 401 who is engaged in the performance of his or her duties. The term "emergency medical care provider" also includes physicians, employees, agents, or volunteers of hospitals as defined in

enforcement officer, parking enforcement specialist¹¹ or security officer employed by the board of trustees of a community college while the officer, firefighter or emergency medical care provider is engaged in the lawful performance of his or her duties, the assault of battery offense is reclassified as follows:

- In the case of assault, from a misdemeanor of the second degree to a misdemeanor of the first degree.
- In the case of battery, from a misdemeanor of the first degree to a felony of the third degree.
- In the case of aggravated assault, from a felony of the third degree to a felony of the second degree.
- In the case of aggravated battery, from a felony of the second degree to a felony of the first degree.

Reclassifying an offense has the effect of increasing the maximum sentence that can be imposed for an offense. The maximum sentence that can be imposed for a criminal offense is generally based on the degree of the misdemeanor or felony. The maximum sentence for a second degree misdemeanor is sixty days incarceration; for a first degree misdemeanor is one year of incarceration; for a third degree felony is five years imprisonment; for a second degree felony is fifteen years imprisonment and for a first degree felony is thirty years imprisonment.¹²

HB 85 adds licensed security officers to the specified officers listed above. Therefore, an assault or battery offense committed against a security officer will be reclassified as discussed above. This will have the effect of increasing the maximum sentence that can be imposed for an assault or battery offense committed against a security officer in the same manner as if the offense were committed against a law enforcement officer or firefighter.

C. SECTION DIRECTORY:

Section 1. Amends s. 784.07, F.S. to provide for reclassification of assault or battery on a licensed security officer.

Section 2. Provides July 1, 2006 effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The Criminal Justice Impact Conference that met on January 9, 2006 determined that this bill would have an insignificant fiscal impact on the state's prison bed population.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

chapter 395, who are employed, under contract, or otherwise authorized by a hospital to perform duties directly associated with the care and treatment rendered by the hospital's emergency department or the security thereof. s. 784.07(1)(c), F.S.

¹¹ s. 316.640, F.S.

¹² s. 775.082, F.S.

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill appears to be exempt from the requirements of Article VII, Section 18 of the Florida Constitution because it is a criminal law.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

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A bill to be entitled
An act relating to assault or battery on security officers; amending s. 784.07, F.S.; providing for reclassification of an assault or battery on a licensed security officer; providing applicability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (2) of section 784.07, Florida Statutes, is amended to read:

784.07 Assault or battery of law enforcement officers, firefighters, emergency medical care providers, public transit employees or agents, or other specified officers; reclassification of offenses; minimum sentences.--

(2) Whenever any person is charged with knowingly committing an assault or battery upon a law enforcement officer, a firefighter, an emergency medical care provider, a traffic accident investigation officer as described in s. 316.640, a traffic infraction enforcement officer as described in s. 316.640, a parking enforcement specialist as defined in s. 316.640, a person licensed as a security officer as defined in s. 493.6101, or a security officer employed by the board of trustees of a community college, while the officer, firefighter, emergency medical care provider, intake officer, traffic accident investigation officer, traffic infraction enforcement officer, parking enforcement specialist, public transit employee or agent, or security officer is engaged in the lawful

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29 performance of his or her duties, the offense for which the
30 person is charged shall be reclassified as follows:

31 (a) In the case of assault, from a misdemeanor of the
32 second degree to a misdemeanor of the first degree.

33 (b) In the case of battery, from a misdemeanor of the
34 first degree to a felony of the third degree.

35 (c) In the case of aggravated assault, from a felony of
36 the third degree to a felony of the second degree.

37 Notwithstanding any other provision of law, any person convicted
38 of aggravated assault upon a law enforcement officer shall be
39 sentenced to a minimum term of imprisonment of 3 years.

40 (d) In the case of aggravated battery, from a felony of
41 the second degree to a felony of the first degree.

42 Notwithstanding any other provision of law, any person convicted
43 of aggravated battery of a law enforcement officer shall be
44 sentenced to a minimum term of imprisonment of 5 years.

45 Section 2. This act shall take effect July 1, 2006, and
46 shall apply to offenses committed on or after that date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 155 Vehicle Crashes

SPONSOR(S): Ross and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 276

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation Committee	16 Y, 0 N	Thompson	Miller
2) Criminal Justice Committee	6 Y, 0 N	Kramer	Kramer
3) Criminal Justice Appropriations Committee		Sneed	DeBeaugrine
4) State Infrastructure Council			
5) _____			

SUMMARY ANALYSIS

HB 155 creates the "Justin McWilliams 'Justice For Justin' Act." Currently a driver of a vehicle involved in a crash that results in an injury or death and that occurs on a public road or elsewhere open to public travel, must immediately stop and remain at the scene of the crash to give information and render aid. Violations of the current law are punishable as a third degree felony if the crash resulted in an injury and are punishable as a second degree felony if the crash resulted in a death.

The bill provides that a driver involved in a crash has the duty to stop and remain at the scene of the crash regardless of whether the crash occurred on public or on private property. The bill also changes the offense from a second degree felony to a first degree felony when the crash results in a death.

The Criminal Justice Impact Conference met on January 9, 2006 and determined that this bill would have an insignificant fiscal impact on the state's prison bed population. This bill has an effective date of October 1, 2006.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0155d.CJA.doc

DATE: 2/8/2006

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Promote personal responsibility— The bill extends the duty of a driver of a vehicle involved in a crash to stop and remain at the scene of the crash, from crashes occurring on public roads or other locations open to public travel, to include crashes occurring on private property. It also changes the offense from a second degree felony to a first degree felony when the crash results in a death.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

Under s. 316.027, F.S., the driver of a vehicle involved in a crash resulting in an injury of a person must immediately stop the vehicle at the scene of the crash, or as close as possible, and remain at the scene of the crash. The driver is required by s. 316.062, F.S., to give their name, address, vehicle registration number, and, upon request, show their driver's license to any person injured in the crash, to the driver or occupant of a vehicle involved in the crash or person attending any vehicle, or police officer at the scene. The driver is also required to render reasonable assistance to the injured person, including carrying or making arrangements for carrying the injured person to a doctor or hospital for treatment.

Generally, the provisions of chapter 316, the Florida Uniform Traffic Control Law, apply to vehicles, bicycles and pedestrians on all public highways, roads and streets, and wherever vehicles have the right to travel. State law enforcement agencies, county sheriff's offices and city police departments are authorized to enforce the state's traffic laws, (Chapter 316, F.S.), on all public roads, and elsewhere wherever the public has the right to travel by motor vehicle. See ss. 316.072 and 316.640, F.S.

Under current law, violations of s. 316.027, F.S., resulting in injury are punishable as a third degree felony and those resulting in death are punishable as a second degree felony. A third degree felony is punishable by up to five years in prison and a maximum \$5,000 fine and a second degree felony is punishable by up to 15 years in prison and a maximum \$10,000 fine.¹

Proposed Changes:

¹ See ss. 775.082 and 775.083, Fla. Stat. (2004)

The bill creates the "Justin McWilliams 'Justice for Justin' Act,"² extending the duty of a driver of a vehicle involved in a crash to stop and remain at the scene of the crash, from crashes occurring on public roads or other locations open to public travel, to include crashes occurring on private property.

The bill also changes the offense from a second degree felony to a first degree felony when the crash results in a death. As a result, the sanction would be up to 30 years in prison and a maximum fine of \$10,000, rather than up to 15 years in prison and a maximum \$10,000 fine. The bill would also amend s. 921.0022, F.S., the "Offense Severity Ranking Chart," to provide that failure to stop or leaving the scene of an accident involving death, would result in a first degree felony.

C. SECTION DIRECTORY:

Section 1. Gives the act the name "Justin McWilliams 'Justice For Justin' Act."

Section 2. Amends s. 316.027, F.S., to revise provisions for a driver of a vehicle involved in a crash to stop and remain at the scene of the crash, increasing penalties.

Section 3. Amends s. 921.0022, F.S., to revise felony classification in the Criminal Punishment Code offense severity ranking chart for leaving the scene of accidents involving death.

Section 4. Provides that the act will take effect October 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

² According to newspaper reports, Justin McWilliams, age 20, was struck and killed by a driver on private property on April 7, 2002. The driver was charged with leaving the scene of an accident involving injuries. The case was dismissed by the circuit judge because the incident occurred on private property which was fenced and locked. Orlando Sentinel, March 13, 2004.

The Criminal Justice Impact Conference met on January 9, 2006 and determined that this bill will have an insignificant fiscal impact on the state's prison bed population. This bill increases the maximum penalty for the offense from fifteen years in prison to thirty years in prison. However, because the bill does not modify the ranking of the offense in the offense severity ranking chart (from its current level 7 ranking), the lowest permissible sentence for the offense will not change. As a result, this bill is not expected to have a significant fiscal impact.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a significant direct economic impact on the private sector.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

A bill to be entitled

An act relating to vehicle crashes; creating the "Justin McWilliams 'Justice For Justin' Act"; amending s. 316.027, F.S.; requiring the driver of a vehicle involved in a crash occurring on public or private property that results in injury of a person to immediately stop the vehicle and remain at the scene; providing that failure to stop the vehicle and remain at the scene by the driver of a vehicle involved in a crash occurring on public or private property that results in the death of a person is a first degree felony; providing penalties; amending s. 921.0022, F.S.; revising felony classification in the Criminal Punishment Code offense severity ranking chart for specified violations; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. This act may be cited as the "Justin McWilliams 'Justice For Justin' Act."

Section 2. Subsection (1) of section 316.027, Florida Statutes, is amended to read:

316.027 Crash involving death or personal injuries.--

(1)(a) The driver of any vehicle involved in a crash occurring on public or private property that results ~~resulting~~ in injury of any person must immediately stop the vehicle at the scene of the crash, or as close thereto as possible, and must remain at the scene of the crash until he or she has fulfilled the requirements of s. 316.062. Any person who willfully

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violates this paragraph commits ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) The driver of any vehicle involved in a crash occurring on public or private property that results ~~resulting~~ in the death of any person must immediately stop the vehicle at the scene of the crash, or as close thereto as possible, and must remain at the scene of the crash until he or she has fulfilled the requirements of s. 316.062. Any person who willfully violates this paragraph commits ~~is guilty of~~ a felony of the first ~~second~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 3. Paragraph (g) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.--

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(g) LEVEL 7
316.027(1)(b)	<u>1st</u> 2nd	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in

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			serious bodily injury.
49	316.1935 (3) (b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
50	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
51	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm,

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			permanent disfiguration, permanent disability, or death.
52	409.920 (2)	3rd	Medicaid provider fraud.
53	456.065 (2)	3rd	Practicing a health care profession without a license.
54	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
55	458.327 (1)	3rd	Practicing medicine without a license.
56	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
57			

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58	460.411(1)	3rd	Practicing chiropractic medicine without a license.
59	461.012(1)	3rd	Practicing podiatric medicine without a license.
60	462.17	3rd	Practicing naturopathy without a license.
61	463.015(1)	3rd	Practicing optometry without a license.
62	464.016(1)	3rd	Practicing nursing without a license.
63	465.015(2)	3rd	Practicing pharmacy without a license.
64	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
	467.201	3rd	Practicing midwifery

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			without a license.
65	468.366	3rd	Delivering respiratory care services without a license.
66	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
67	483.901 (9)	3rd	Practicing medical physics without a license.
68	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
69	484.053	3rd	Dispensing hearing aids without a license.
70	494.0018 (2)	1st	Conviction of any violation of ss.

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71	560.123(8)(b)1.	3rd	494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
72	560.125(5)(a)	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
73	655.50(10)(b)1.	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
			Failure to report financial transactions exceeding \$300 but

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			less than \$20,000 by financial institution.
74	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
75	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
76	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
77	782.051(3)	2nd	Attempted felony murder of a person by a person other

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78	782.07(1)	2nd	than the perpetrator or the perpetrator of an attempted felony.
79	782.071	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
80	782.072	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
81			Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

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82	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
83	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
84	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
85	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
86	784.048 (7)	3rd	Aggravated stalking; violation of court order.
87	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
	784.074 (1) (a)	1st	Aggravated battery

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			on sexually violent predators facility staff.
88	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
89	784.081 (1)	1st	Aggravated battery on specified official or employee.
90	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
91	784.083 (1)	1st	Aggravated battery on code inspector.
92	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).
93			

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94	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
95	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
96	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
97	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while

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			committing or attempting to commit a felony.
98	796.03	2nd	Procuring any person under 16 years for prostitution.
99	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
100	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
101	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
102	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed;

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			no assault or battery.
103	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
104	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
105	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
106	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
107	812.014 (2) (b) 3.	2nd	Property stolen,

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			emergency medical equipment; 2nd degree grand theft.
108	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
109	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
110	812.131(2)(a)	2nd	Robbery by sudden snatching.
111	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
112	817.234(8)(a)	2nd	Solicitation of motor vehicle

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113	817.234(9)	2nd	accident victims with intent to defraud.
114	817.234(11)(c)	1st	Organizing, planning, or participating in an intentional motor vehicle collision.
115	817.2341(2)(b) & (3)(b)	1st	Insurance fraud; property value \$100,000 or more.
116			Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
	825.102(3)(b)	2nd	Neglecting an

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117	825.103(2) (b)	2nd	elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
118	827.03(3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
119	827.04(3)	3rd	Neglect of a child causing great bodily harm, disability, or disfigurement.
120	837.05(2)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older. Giving false information about

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			alleged capital felony to a law enforcement officer.
121	838.015	2nd	Bribery.
122	838.016	2nd	Unlawful compensation or reward for official behavior.
123	838.021(3)(a)	2nd	Unlawful harm to a public servant.
124	838.22	2nd	Bid tampering.
125	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
126	872.06	2nd	Abuse of a dead human body.
127	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine

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(or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

128

893.13(1)(e)1.

1st

Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified

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business site.

129

893.13(4)(a)

1st

Deliver to minor
cocaine (or other s.
893.03(1)(a),
(1)(b), (1)(d),
(2)(a), (2)(b), or
(2)(c)4. drugs).

130

893.135(1)(a)1.

1st

Trafficking in
cannabis, more than
25 lbs., less than
2,000 lbs.

131

893.135(1)(b)1.a.

1st

Trafficking in
cocaine, more than
28 grams, less than
200 grams.

132

893.135(1)(c)1.a.

1st

Trafficking in
illegal drugs, more
than 4 grams, less
than 14 grams.

133

893.135(1)(d)1.

1st

Trafficking in
phencyclidine, more
than 28 grams, less

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than 200 grams.

134

893.135(1)(e)1. 1st

Trafficking in
methaqualone, more
than 200 grams, less
than 5 kilograms.

135

893.135(1)(f)1. 1st

Trafficking in
amphetamine, more
than 14 grams, less
than 28 grams.

136

893.135(1)(g)1.a. 1st

Trafficking in
flunitrazepam, 4
grams or more, less
than 14 grams.

137

893.135(1)(h)1.a. 1st

Trafficking in
gamma-hydroxybutyric
acid (GHB), 1
kilogram or more,
less than 5
kilograms.

138

893.135(1)(j)1.a. 1st

Trafficking in 1,4-
Butanediol, 1
kilogram or more,

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			less than 5 kilograms.
139	893.135(1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
140	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
141	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
142	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure

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143	943.0435(8)	2nd	to comply with reporting requirements.
144	943.0435(9)(a)	3rd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
145	943.0435(13)	3rd	Sexual offender; failure to comply with reporting requirements.
146	943.0435(14)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender. Sexual offender; failure to report and reregister;

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			failure to respond to address verification.
147	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
148	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
149	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
150	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address

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verification.

151

152

Section 4. This act shall take effect October 1, 2006.